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Attorneys for Defendants  
HELLER EHRMAN, LLP;  
HELLER EHRMAN LONG TERM  
DISABILITY PLAN; and  
UNUM LIFE INSURANCE COMPANY  
OF AMERICA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

PATRICIA FORTLAGE,

Plaintiff,

vs.

HELLER EHRMAN LLP; HELLER  
EHRMAN LONG TERM DISABILITY  
PLAN; and UNUM LIFE INSURANCE CO.  
OF AMERICA,

Defendants.

CASE NO.: C 08-03406 SBA DMR

**STIPULATION AND ORDER DENYING  
MODIFYING COURT'S SCHEDULING  
ORDER  
[F.R.C.P 16(b)(4)]**

Plaintiff Patricia Fortlage, and Defendants Heller Ehrman LLP, Heller Ehrman Long  
Term Disability Plan, and Unum Life Insurance Company of America, by and through their  
respective counsel of record, hereby stipulate to modify the Court's Scheduling Order to

1 extend the briefing schedule for filing of Cross Motions for Judgment under Rule 52,  
 2 FRCP, including opposition and reply briefs. This Stipulation is necessary because of the  
 3 following facts:

- 4 1. The parties mediated the matter in March 2011. The matter did not settle at that  
 5 time.
- 6 2. Subsequently, the mediator has maintained telephone contact with the parties  
 7 through counsel. The most recent communications occurred in January 2012.
- 8 3. As a result of those communications, the parties now believe that a further  
 9 mediation session would be productive. The earliest mutually convenient date  
 10 upon which the parties could agree for a mediation session involving personal  
 11 appearance by the parties is February 28, 2012.
- 12 4. The current briefing schedule requires the parties to file Cross Motions for  
 13 Judgment no later than February 7, 2012. Opposition briefs are due February  
 14 21, 2012. Reply briefs are due February 28, 2012.
- 15 5. The parties would like the opportunity to make one more effort to resolve the  
 16 case before submitting the cross motions to the Court

17 By reason of the foregoing, the parties hereby stipulate that pursuant to Fed. R. Civ.  
 18 Pro. Rule 16(b)(4), good cause exists to modify the Court's Scheduling Order . The Court  
 19 is respectfully requested to extend the time for the parties to file their Cross Motions for  
 20 Judgment to March 27, 2012, with Opposition briefs due no later than April 10, 2012 and  
 21 Reply briefs due no later than April 17, 2012. As the Court has set no other dates for  
 22 Pretrial or Trial, the parties believe no other dates are affected by this Stipulation.

23 DATED: January \_\_\_\_, 2012

GREEN & HUMBERT

25 By: /s/ Horace W. Green  
 26 Horace W. Green

27 Attorneys for Defendants

28 STIPULATION AND PROPOSED ORDER MODIFYING SCHEDULING ORDER  
 Case No. C 08-03406 SBA DMR

1  
2 DATED: January \_\_\_\_, 2012

LAW OFFICE OF GEOFFREY V. WHITE

3  
4 By: /s/ Geoffrey V. White  
Geoffrey V. White

5  
6 Attorneys for Plaintiff

7  
8 **ORDER DENYING**

9  
10 Pursuant to the above Stipulation, the Court finds good cause to modify the existing  
11 Scheduling Order as follows: The parties shall file their Cross-Motions for Judgment no  
12 later than March 27, 2012; Opposition papers shall be filed no later than April 10, 2012;  
13 and any Reply papers shall be filed no later than April 17, 2012.

14  
15 Dated: 2/1/12

16   
17 Saundra Brown Armstrong  
United States District Judge

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28 STIPULATION AND PROPOSED ORDER MODIFYING SCHEDULING ORDER  
Case No. C 08-03406 SBA DMR